

Order

Michigan Supreme Court
Lansing, Michigan

December 29, 2006

Clifford W. Taylor,
Chief Justice

132104

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JAMES B. BOWMAN,
Plaintiff,
and

AUTO CLUB INSURANCE ASSOCIATION,
Intervening Plaintiff-Appellee,

v

SC: 132104
COA: 258518
WCAC: 02-000455

R.L. COOLSAET CONSTRUCTION COMPANY
and LIBERTY MUTUAL FIRE INSURANCE
COMPANY,
Defendants-Appellees,
and

SECOND INJURY FUND,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 8, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals to address the intervening plaintiff's remaining arguments. The Court of Appeals erred by adopting the "traveling employee" doctrine under the circumstances of this case. Here, the employee was traveling from his worksite to his home for the time being at the time of his injury. The general rule, that injuries sustained by an employee while going to or coming from work are not compensable, is applicable even when an employee's residence is temporary because of a particular job assignment. *Graham v Somerville Construction Co*, 336 Mich 359 (1953).

CAVANAGH and KELLY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 29, 2006

Corbin R. Davis

Clerk